

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
September 11, 2012

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Zelda Auslander, Council Member
Steve Braasch, Council Member
Bob Dorsett, Jr., Council Member (arrived at 6:04 p.m.)
Bill Goodwin, Council Member
Jack McCool, Mayor Pro Tem

City Staff:

Frank Salvato, City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Katie Griffin, Director of Finance
Lindsey Withrow, Director of Community Services
Amy Kelley, Systems Administrator
Russell Pancoast, Chief of Police
Giancarlo Patino, City Engineer
Barbara Hathaway, Library Director

Call to Order and Announce a Quorum is Present

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:01 p.m. on Tuesday, September 11, 2012 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

There were not any citizen comments at this time.

Consider approval of minutes of the Regular meeting conducted on August 28, 2012.

MOTION: A motion was made by Council Member Braasch, seconded by Council Member Goodwin, to approve the minutes of August 28, 2012 as presented.

The vote was taken on the motion with the following result:

Voting Aye: Council Members Auslander, Braasch and Goodwin
Voting Nay: None
Absent: Council Member Dorsett
Abstain: Mayor Pro Tem McCool

The motion carried.

Council Member Dorsett arrived at 6:04 p.m.

Discuss and consider action on a License Agreement for the property located at 13410 Saddleback Pass to allow encroachment in the Public Utility Easement.

Director of Community Services Lindsey Withrow presented this item.

Chris Lake, 13140 Saddleback Pass, was available to answer questions.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Dorsett, to approve the License Agreement for the property located at 13410 Saddleback Pass.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Discuss and consider action on a License and Improvement Agreement with Hill Country Galleria for the extension of the hiking trail to RR 620 within the Bee Cave Parkway right-of-way.

City Administrator Frank Salvato presented this item.

Adrian Overstreet, Asset Manager for the Hill Country Galleria, stated that the Galleria will build the trail extension and pay for it upfront. He proposed that the City's contribution be paid by providing credit to the Developer for future building and development fees in an amount equal to 50% of the construction costs.

Executive Session on above item.

The City Council closed the Open Session at 6:18 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

The City Council closed the Executive Session at 6:41 p.m. and reconvened in Regular Session in the Council Chambers.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Auslander, to approve the License and Improvement Agreement with the Hill Country Galleria and to provide credit for future building and development fees in an amount not to exceed \$25,000.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider approval of the wording on the Hill Country Galleria monument signs to be installed on the corner of Bee Cave Road and Highway 71 and on the entrance to Bee Cave Road.

Mr. Overstreet presented two designs for the proposed monument signs. He stated that he was seeking Council direction on whether or not to include the “City of Bee Cave” wording on the sign.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Braasch, to approve Option 2 that included “City of Bee Cave” on the signs.

The vote was taken on the motion with the following result:

Voting Aye:	Council Members Auslander, Braasch and Dorsett
Voting Nay:	Mayor Pro Tem McCool and Council Member Goodwin
Absent:	None

The motion carried 3-2.

Discuss and consider action on a Site and NPS plan (alternate innovative water quality control) and fiscal security for Design Office Building Center located at 3813 Juniper Trace.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Goodwin, to postpone this item.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Presentation and discussion on a pre-concept plan for the Old Backyard located at 13101 Highway 71 West.

Ms. Withrow presented this item.

Dr. Marc Ballouz, owner of the old Backyard, presented his ideas for the building. He requested feedback from the Council on the proposed mixed use redevelopment.

No action was taken on this item.

Discuss and consider action on the renewal of an Interlocal Agreement for Public Health Services between the City of Austin and City of Bee Cave.

Mr. Salvato presented this item.

Council Member Braasch requested that the staff check with the City of Austin about adding the City of Bee Cave's name on the health inspection permit.

MOTION: A motion was made by Council Member Auslander, seconded by Mayor Pro Tem McCool, to approve the renewal of the Interlocal Agreement for Public Health Services.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on an Interlocal Agreement between the City of Lakeway and the City of Bee Cave for dispatching services also including request for assistance with the remodel of the Lakeway dispatch area.

Police Chief Russell Pancoast stated that this Interlocal would allow the City to continue using the City of Lakeway's dispatch services. Additionally, Lakeway is remodeling their dispatch area and installing two new dispatch consoles. They have asked Bee Cave to assist by purchasing one of the consoles at a cost of \$20,000.

The City Council asked questions about extending the Interlocal for a longer than one year.

MOTION: A motion was made by Council Member Dorsett, seconded by Council Member Braasch, to approve the Interlocal Agreement for dispatch services and to approve participating in the purchase of a new dispatch console in the amount of \$20,000.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on voting for members to serve on the Texas Municipal League Intergovernmental Risk Pool Board of Trustees.

Mr. Salvato presented this item.

MOTION: A motion was made by Council Member Auslander, seconded by Council Member Goodwin, to vote for the incumbents on the Board of Trustees as recommended by the City Administrator.

AMENDED MOTION: An amended motion was made by Council Member Braasch, seconded by Council Member Auslander, to vote for Greg Ingham for Place 11, Larry Gilley for Place 12, No vote for Place 13, and Michael Nyren for Place 14.

The vote was taken on the amended motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

The vote was taken on the main motion as amended with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett
and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 121, an ordinance of the City of Bee Cave adopting an Annual Budget for Fiscal Year 2012-2013 including consideration of employee salary survey and adjustments.

Mayor Murphy called the Public Hearing to order at 7:55 p.m.

There being no persons wishing to comment, the public hearing was closed at 7:55 p.m.

Mr. Salvato presented the final budget for FY 2012-2013. Two budgets were presented for consideration. One budget includes the salary adjustments and one did not. Also for Council consideration was a job description and title change for the Systems Administrator.

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to approve Ordinance No. 121 with the salary adjustments as recommended and to approve the title change for the Systems Administrator to Chief Information Officer.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett
and Goodwin
Voting Nay: None
Absent: None

The motion carried.

Public hearing, discussion and possible action on Ordinance No. 122, an ordinance of the City of Bee Cave approving the Certified Appraisal Roll for the City and adopting an Ad Valorem Tax Rate for Debt Service for the Fiscal Year 2012-2013.

Mayor Murphy called the Public Hearing to order at 8:23 p.m.

There being no persons wishing to comment, the public hearing was closed at 8:23 p.m.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Auslander, that the property tax rate be increased by the adoption of a tax rate of \$.02 per

\$100 valuation, which is effectively a .0017% increase in the tax rate and also to adopt Ordinance No. 122 approving the Certified Roll and setting the ad valorem tax rate at \$.02/\$100 valuation.

Council Member Braasch stated for the record that this is not a rate increase but an adjustment based on valuation, the City has had the \$.02 per \$100 valuation for at least five years.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on Ordinance No. 123, an ordinance amending Chapter 6, Building Regulations, to allow the City Administrator to approve Temporary Special Event permits.

City Attorney Patty Akers explained the proposed amendments.

The City Council suggested changes under Section 1: remove "alderman"; Section 6.03.008 (9): exclude non-profits; and Section 6.03.012 (1): include notification to Council.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Dorsett, to adopt Ordinance No. 123 as amended.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

Executive Session

The City Council closed the Open Session at 8:41 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Consultation with Attorney regarding authority of city to enforce building, sign and development ordinances and litigation with AusPro Enterprises, LP.

The City Council closed the Executive Session at 8:56 p.m. and reconvened in Regular Session in the Council Chambers.

Adjournment

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Braasch, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Auslander, Braasch, Dorsett and Goodwin
Voting Nay:	None
Absent:	None

The motion carried.

The City Council adjourned the meeting at 8:56 p.m.

PASSED AND APPROVED THIS ____ DAY OF _____, 2012.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary